

PORT ST. JOE, FLORIDA

SEPTEMBER 12, 2007

SPECIAL MEETING

The Gulf County Board of County Commissioners met this date in special session with the following members present: Chairman Bill Williams, Vice Chairman Jerry W. Barnes, and Commissioners Carmen L. McLemore, Billy E. Traylor, and Nathan Peters, Jr.

Others present were: Clerk Executive Administrator Towan Kopinsky, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Grant Writer Loretta Costin, Human Resources Director Denise Manuel, Maintenance Department Employee Bill Haun, Maintenance Department Employee Teddy Kemp, Mosquito Control Director Mark Cothran, Planner David Richardson, Road Department Superintendent Bobby Knee, Public Works Director Gerald Shearer, Assistant Road Department Superintendent Chris Wood, and Solid Waste Director Joe Danford.

Chairman Williams called the meeting to order at 2:02 p.m., E.T.

SLUDGE DUMPING ORDINANCE

Upon discussion by Chairman Williams, Commissioner McLemore recognized Dick Fancher, Rick Abab and Greg Smith of Florida Department of Environmental Protection and asked them to appear before the Board. Commissioner McLemore discussed his concerns regarding Wetappo Farms and the sludge dumping and inquired about the violations. Chairman Williams requested the D.E.P. give an update to the Board. Commissioner McLemore discussed the new dumping site and reported that the Board previously voted unanimously not to accept any new dumping sites within the County. D.E.P. Representative Fancher stated that D.E.P. issues the permits to wastewater treatment facilities and these facilities have contracts regarding disposal. D.E.P. Representative Smith reported that companies are permitted and they have to dump at sites that have gone through an approval process. Upon inquiry by Commissioner McLemore, D.E.P. Representative Smith stated that any permitted company within this area could use the site in Gulf County for disposal as long as they meet the requirements. Upon inquiry by Commissioner McLemore, D.E.P. Representative Smith reported that at one time Williams Environmental was performing their own testing, but now the tests are performed at other contract labs. Upon inquiry by Commissioner McLemore, D.E.P. Representative Smith stated that each facility collects its own samples to be sent for testing. County Attorney McFarland inquired about and discussed on-site inspections by D.E.P. D.E.P. Representative Smith reported that D.E.P. performs an on-site visit once a year. After discussion by Commissioner McLemore and D.E.P. Representative Smith, Commissioner Traylor discussed groundwater samples and surface water that has not been tested (soil tests were okay) and stated that he has concerns that tests are not on a regular basis. Commissioner McLemore inquired about late night hauling, security

cameras, and etc. D.E.P. Representative Smith discussed sludge is not brought in at night. Williams Environmental Owner Mallory Williams reported that to his knowledge there has been no late night dumping. Teddy Kemp reported he witnessed trucks at the site at night several months ago. After discussion, Mr. Williams stated he could put in permanent monitoring wells. City Manager Don Minchew appeared before the Board to discuss the sludge dumping and recommended that the County adopt an ordinance requiring monitoring wells and testing. He stated the City of Wewahitchka would be willing to assist in drafting such an ordinance. Upon inquiry by Commissioner Traylor, Williams Environmental Owner Williams stated he would not be opposed to well monitoring and stated that it would take a minimum of 12 months before wells could be installed. Chairman Williams called for public comment. Glenn Davis, of the City of Port St. Joe, discussed all samples that are taken are tested and that monitoring wells should solve the problem. James Respress, of Wetappo Creek, appeared before the Board to inquire about testing the water in Wetappo Creek now (not to wait 12 months for monitoring wells). Wewahitchka City Manager Minchew discussed that the proposed rule addresses more than wells (reports, etc.) with the County to obtain copies of the information. Tim Stein, of Wetappo Creek, appeared before the Board to discuss his tour of Wetappo Farms and reported that he had requested D.E.P. (6 months ago) to test the creek water and as of today, no tests have been performed. He discussed his concerns regarding enforcement, test results, reviewing D.E.P.'s reports, and stating that residents need tests of soil, surface water, and groundwater. Elinor Cunningham, of Wetappo Creek, appeared before the Board to discuss D.E.P.'s regulations regarding groundwater and surface monitoring for land applications (sludge dumping). Preston Gibbs, of Wetappo Creek, appeared before the Board to discuss his concerns regarding the residents of Wetappo and stated that air pollution and the stench is also an issue. He also stated that if the sludge is harmful, the dumping needs to stop. Gulf County Health Department Administrator Doug Kent appeared before the Board to discuss his concerns regarding agricultural loading of the heavy metals in this area. He discussed the proposed ordinance, and recommended that the Board include a remediation clause for cleanup. Upon inquiry by Chairman Williams, Gulf County Health Department Administrator Kent reported that the County Health Department has not performed any testing at the Wetappo site and are unaware of any wells. Marilyn Blackwell, of Dalkeith, appeared before the Board to report that she has been fighting this issue since 1999, and discussed her concerns regarding the smell (attracts flies). She reported that D.E.P. performed an inspection over two years ago and found Bay Environmental in violation (stockpiling, planting, etc.). She stated that she supports any Board effort to fix this problem. Kevin Welch, of St. Joe Beach, appeared before the Board to report that the per capita cancer rate for Gulf County is among the highest in this Country and discussed his concerns. Jim Townsend, of Townsend Marine, appeared before the Board to discuss services that are provided by Williams Environmental to this County, and stated that there does need to be monitoring wells on site. Elinor Cunningham, of Wetappo Creek, appeared before the Board to state that she supports the proposed ordinance, and stated that more laws need to be established regarding sewage. The Board discussed their support of immediate monitoring. After further discussion, Commissioner McLemore motioned to adopt the proposed ordinance. Commissioner Traylor seconded the motion for discussion and, after discussion, the motion failed 3 to 2, with Chairman Williams and Commissioners Peters and Barnes

voting no. Upon discussion by Commissioner Traylor, Commissioner Peters motioned to allow Commissioner Traylor to meet with Williams Environmental Owner Williams to discuss monitoring wells and report back to the Board. Commissioner Traylor seconded the motion, and it passed unanimously. Mr. Stein also discussed Port St. Joe Wastewater Treatment Facility. Chairman Williams stated that the Board will work on this issue and draft a policy.

PROBATION DEPARTMENT

Chairman Williams discussed out-sourcing of the County Probation Department. County Judge Fred Witten appeared before the Board to discuss other probation service options, and discussed his concerns regarding the proposed contract with Judicial Correction Services, Inc. He reported that the company will not “check-up” on probationers (they will only be reporting to the Probation Office). After discussion by members of the Board and County Judge Witten, the Board agreed for County Judge Witten and County Attorney McFarland to meet with Judicial Correction Services, Inc. to resolve various issues within the contract.

<Commissioner McLemore left the meeting at 4:05 p.m., E.T.>

UNION ISSUES

Chairman Williams discussed seniority issues verses mandatory positions and trying to stay within the Union Contract. Commissioner Traylor discussed what is best for the County. County Attorney McFarland reported that a class grievance has been filed by the Union, and is at Step 4 (which is with Chief Administrator Butler). He stated that after Chief Administrator Butler responds, it will go to Step 5 (the Board) and from there it would go to arbitration. After discussion by members of the Board, Commissioner Peters stated he supports the Union's perspective. Maintenance Department Employee Haun appeared before the Board to discuss that the Union contract was signed by both parties and states that lay-offs will be done according to seniority. After further discussion, Commissioner Peters motioned to follow the procedure requested by the Union (by seniority). Chairman Williams passed the Chair to Vice Chairman Barnes and seconded the motion. The motion failed 2 to 2, with Chairman Barnes and Commissioner Traylor voting no. Chairman Barnes then returned the Chair to Commissioner Williams.

There being no further business, and motion by Commissioner Barnes, the meeting did then adjourn at 4:35 p.m., E.T.

**BILL WILLIAMS
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK**